

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

# PCT

## INVITATION TO CORRECT DEFECTS IN THE DEMAND

(PCT Rule 60.1)

<b>To:</b> GREGORY N. CLEMENTS DOUGHERTY, CLEMENTS, HOFER & BERNARD 1901 ROXBOROUGH ROAD, SUITE 300 CHARLOTTE, NORTH CAROLINA 28211		<b>Date of mailing</b> (day/month/year)      23 Mar 2006 <span style="margin-left: 150px;"><i>Due 4-23-06</i></span>
<b>Applicant's or agent's file reference</b> 2003/14 PCT	<b>REPLY DUE</b> within ONE MONTH from the above date of mailing. See also below.	
<b>International application No.</b> PCT/US2005/003683	<b>International filing date</b> (day/month/year)      04 Feb 2005	
<b>Applicant</b> INVISTA NORTH AMERICA S.A R.L		

The applicant is hereby **invited** within the time limit indicated above to **correct the following defects** which this International Preliminary Examining Authority has found in the demand for international preliminary examination:

1. ☐ It does not permit identification of the international application to which it relates (Rule 60.1(b)).
2. ☐ It does not contain the required petition (Rules 53.2(a)(i) and 53.3).
3. ☐ It does not contain the required indications concerning the agent as specified in the Annex (Rules 53.2(a)(ii) and 53.5).
4. ☐ It does not contain the required indications concerning the international application as specified in the Annex (Rules 53.2(a)(iii) and 53.6).
5. ☐ It is not submitted in the required language which is: \_\_\_\_\_ (Rule 55.1).
6. ☐ It is not made on the printed form (Rule 53.1(a)).
7. ☐ It is presented as a computer print-out the particulars of which do not comply with the Administrative Instructions (Rule 53.1(a)).
8. ☒ It does not contain the required indications concerning the applicant as specified in the Annex (Rules 53.2(a)(ii), 53.4 and 60.1(a-bis)). *Priority date*
9. ☐ It does not contain the required signature as specified in the Annex (Rules 53.2(b), 53.8, 60.1(a-ter) and 90.4).
10. ☐ Other observations (if necessary):

**Effect of the date of receipt of the corrections on the date of receipt of the demand:**

- (i) If the defect noted under item 1 is corrected within the time limit indicated above, the demand will be considered to have been received on the date when the corrections are received (Rule 60.1(b)).  
 If that date is later than the expiration of 19 months from the priority date, entry into the national phase in those elected Offices will NOT be postponed until the expiration of 30 months from the priority date, but only in respect of some designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) may apply even if that date of receipt is later than the expiration of 19 months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.  
 If that date is later than the expiration of the time limit referred to in Rule 54bis.1(a), the demand shall be considered as if it had not been submitted and this Authority shall so declare.
- (ii) If the defects noted under items 2 to 9 are corrected within the time limit indicated above, the demand shall be considered as if it had been received on the actual filing date (Rule 60.1(b)).

**Effect of failure to correct the defects within the time limit indicated above:**

In the case of defects noted under items 1 to 9, this Authority will declare that the demand is considered as if it had not been submitted.

A copy of this invitation has been sent to the International Bureau.

Name and mailing address of the IPEA/ Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 Facsimile No. 1 703-308-3230	<b>Authorized officer</b> Dian Gordon Telephone No. 703-308-9290 EX 125
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Form PCT/IPEA/404 (January 2004)

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Continuation of item 3: As to indications concerning the agent (Rules 53.2(a)(ii) and 53.5), the demand:

- a. ☐ does not properly indicate the agent's name (*specify*):
- b. ☐ does not indicate the agent's address.
- c. ☐ does not properly indicate the agent's address (*specify*):

Continuation of item 4: As to indications concerning the international application, the demand does not indicate:

- a. ☐ the international filing date.
- b. ☐ the international application number.
- c. ☐ the name of the receiving Office, where the international application number was not known to the applicant at the time the demand was filed.
- d. ☐ the title of the invention.

Continuation of item 8: As to indications concerning the applicant\* (Rules 53.2(a)(ii), 53.4 and 60.1(a-bis)), the demand:

- a. ☐ does not indicate all the applicants.
- b. ☐ does not properly indicate the applicant's name (*specify*):
- c. ☐ does not indicate the applicant's address.
- d. ☐ does not properly indicate the applicant's address (*specify*):
- ~~also~~ Applicant's (earliest) priority date on Demand is different than p.d. on Request.  
Please clarify.
- e. ☐ does not indicate the applicant's nationality.
- f. ☐ does not indicate the applicant's residence.

\* Although Rule 53.2(a)(ii) requires indications concerning the applicant, or if there are several applicants, of each of them, for the purposes of Rule 53.4, if there is more than one applicant, it shall be sufficient that the required indications be provided in respect of one of them who has the right according to Rule 54.2 to make a demand (Rule 60.1(a-bis)).

Continuation of item 9: As to requirements concerning signature (Rules 53.2(b), 53.8, 60.1(a-ter) and 90.4), the demand:

- a. ☐ is not signed\* by the applicant or, if there is more than one applicant, by at least one of them.
- b. ☐ is signed by what appears to be an agent/common representative but
- ☐ the demand is not accompanied by a power of attorney appointing him.
- ☐ the power of attorney accompanying the demand is not signed by all the applicants for the elected States.

\* Although Rule 53.2(b) requires that all applicants must sign the demand (including all inventors/applicants for the designation of the United States of America), for the purposes of Rule 53.8, if there is more than one applicant, it shall be sufficient that the demand be signed by one of them (Rule 60.1(a-ter)).